**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928**

**WP(C).No. 5938 of 2007(F)**
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**PETITIONER:**
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**N.P.VIJAYAN, MANAGING PARTNER,**
**M/S.FIVE STAR ENTERPRISES, KARYATTUPURAM,**
**P.O.MUTHIYANGA, VIA. PATHAYAKKUNNU,**
**THALASSERY.**

**BY ADV. SRI.SAJEEV KUMAR K.GOPAL.**

**RESPONDENTS:**
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1. **THE REGIONAL TRANSPORT OFFICER,**
   **KANNUR.**

2. **THE TAHSILDAR (RR), THALASSERY.**

3. **THE DEPUTY TAHSILDAR, REVENUE RECOVERY,**
   **THALASSERY.**

**BY GOVT. PLEADER SMT. N. SUDHA DEVI.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.BALAKRISHNAN NAIR,J.**

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WP(C)NO.5938 OF 2007-F

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Judgment

The petitioner was the owner of the vehicle KLN-8787. He submits, it was sold by him to one Mr. Nanu in the year 1996. After some time, he was called upon to pay motor vehicles tax to the tune of Rs.70,690/- for the period from 01.01.1997 to 30.09.1997. the said demand was challenged before this Court. The Writ Petition was finally disposed of by Ext.P1 Judgment, issuing a direction to seize and sell the vehicle. It was also ordered that if the claim of the Government is not satisfied within two months, the recovery can be continued against the assets of the petitioner. The petitioner submits, thereafter, nothing was heard. Suddenly, another stage carriage operated by him with Registration No.KL-13/B-2444 was seized by the revenue recovery officials. The petitioner's grievance is that he was not issued with notice and he was not given a chance to pay the amount before the seizure was effected.

2. I heard the learned Government Pleader for the respondents also. The old vehicle was seized and sold for an amount of Rs.40,500/- and the petitioner's vehicle has been seized to realise the balance amount. In view Ext.P1 Judgment, the petitioner cannot resist the said seizure. The only grievance urged before me is that he was not given reasonable chance to pay the amount before taking the peremptory action against his stage carriage. If the petitioner pays 50% of the balance amount due from him, the vehicle shall be released forthwith. The petitioner shall pay the remaining amount within one month after the release of the vehicle.

The Writ Petition is disposed of as above.

23.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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